

Department of Marine Resources NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE SUBJECT: Chapters 29 Seaweed & 8 Landings Program – Seaweed Buyer’s surcharge rules

CONCISE SUMMARY: The proposed rules would establish an annual seaweed buyer’s surcharge of \$1.50 per wet ton to be paid by persons who hold a seaweed buyer’s license, in accordance with [12 MRS §6803-A and B and P.L. 2009 Chapter 283](#). The surcharge would be applicable state-wide to persons who purchase more than 10 wet tons annually directly from seaweed harvesters who hold a seaweed permit pursuant to [12 MRS §6803](#) and are required to hold a seaweed buyer’s license in accordance with 12 M.R.S. §6803-A. References would be updated in both Chapters 8 and 29.

STATUTORY AUTHORITY: 12 M.R.S. §6803-A, §6803-B

PUBLIC HEARINGS: **Nov. 16, 2009, 6:00pm**, U. Maine, Science Lecture Hall, Rm 102, 9 O’Brien Ave, Machias and **Nov. 17*, 2009, 6:00pm**, DMR Large Conf Rm, 194 McKown Pt Rd, W Boothbay Harbor
**Public hearings for multiple proposed rules will be held in chronological order Nov. 17th. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: November 30, 2009

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: **Pete Thayer (207) 633-9539**
Mail written comments to: Department of Marine Resources, attn: L. Churchill
ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: laurice.churchill@maine.gov
TEL.: (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities:
If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The proposed rules would impact those persons who purchase more than 10 wet tons annually directly from seaweed harvesters by establishing a surcharge on this tonnage; and add the area described as sectors, where applicable, to the seaweed harvester reporting requirements in accordance with [12 MRS §6803-C, subsection 9](#). The two tiered system of harvester and dealer reports provide a means to validate and audit the data submitted; they act as a check against one another.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 29.10 Reporting of Seaweed Harvesting and seaweed buyer’s surcharge rules: See Chapter 8-~~20(C)~~ Landings Program

Chapter 8.01 Definitions

- A. Except as modified, the definitions contained in 12 M.R.S.A. §6001 shall apply to this Chapter, in addition to the following:
 - 1. “Dealer License” means Seaweed, Wholesale, Retail, Marine Worm or Elver dealer license as defined in [§6803-A](#), §6851, §6852, §6853 and §6864.

Chapter 8.10 Primary Buyer Permit Reporting

- A. Primary Buyers shall report all transactions pertaining to buying any marine organism directly from harvesters on a trip level basis. The following data elements shall be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:
 - 1. Dealer name (as it appears on the dealer license) & license number
 - 2. Designate negative report period if no transactions purchased from harvesters.

3. Date purchased/ & date landed
4. Harvester identification & vessel identification
5. Species
6. Amount
7. Grade & market category
8. Gear type (fishing method)
9. Disposition
10. Port landed
11. Indicate if catch was carried
12. Ex-vessel value (monthly average)
13. Signature written or electronic

B. All data sent to DMR shall be legible, coherent and conform to DMR specified standards.

C. Additional data elements and requirements for specific fisheries:

5. Seaweed:

Prior to January 30th each year, persons licensed pursuant to 12 M.R.S. §6803-A (seaweed buyer's license), who purchased more than 10 wet tons in the previous calendar year directly from permitted seaweed harvesters, shall pay a surcharge of \$1.50 per wet ton. The surcharge is payable to Department of Marine Resources, mailing address, DMR Licensing Division, attn: seaweed surcharge, SHS 21, Augusta, Maine 04333-0021.

8.20 Harvester Reporting

C. Seaweed (previously Chapter 29.10)

Each seaweed harvester required to be licensed under 12 MRSA §6803 must report harvesting activity for all seaweed species on forms supplied by the Department. Records must be kept on a daily basis, and the report must be mailed to the Department monthly. Reports for each month's activity shall be mailed to the Department within 10 days of the end of the month. The report must include the following information for each day that harvesting occurs:

1. Name, permit number and phone number of licensed harvester;
2. Date(s) harvested;
3. Harvest area (sector # - where applicable, bay, cove, river, ledge and or island);
4. County and town (use town codes provided, per instructions);
5. Harvesting methods (hand, knife, rake, mechanical, diver);
6. Total harvest time (number of hours);
7. Seaweed species; and
8. Pounds landed (wet).

If you are unable to attend a hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.